

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION**

<b>BLUESTONE COAL CORP., <i>et al.</i></b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	<b>Civil Action No.: 2:16-CV-06098</b>
	)	<b>Honorable Thomas E. Johnston</b>
	)	
<b>PINNACLE MINING CO., LLC, <i>et al.</i></b>	)	
	)	
<b>Defendants.</b>	)	

**JOINT MOTION TO CONTINUE SCHEDULING ORDER**

Now come the Plaintiffs and Defendants, TAM International, Inc.; Pinnacle Mining Company, LLC; Seneca North American Coal, LLC; Seneca Coal Resources, LLC; Target Drilling, Inc.; Cliffs Natural Resources, Inc.; C&J Well Services, Inc.; and, Ken and Coy Rock Company (collectively “the Parties”), by and through counsel, and respectfully move the Court for an Order Continuing the Scheduling Order entered on January 31, 2017 (Docket #19). In support of this Motion, the Parties state as follows:

1. The original Complaint was filed in this matter on July 7, 2016. An Amended Complaint was filed on March 23, 2017, wherein five additional defendants were added to the pending lawsuit. A Third Party Complaint was filed on May 18, 2017 adding a sixth defendant.

2. The current Scheduling Order was entered on January 31, 2017 (Docket #19), before the five additional defendants, and third party defendant, were added to the case.

The trial in this matter is currently scheduled for May 22, 2018. The Scheduling Order also includes the following deadlines:

- Discovery requests to be completed by 11/28/2017;
- All depositions by 1/12/2018;
- Expert Witness List by parties bearing the burden of proof due by 11/8/2017;
- Expert Witness List by party not bearing burden of proof due by 12/8/2017;
- Expert Witness Lists of experts to solely contradict or rebut evidence due by 12/22/2017;
- Discovery to close by 1/12/2018;
- Summary Judgment and Other Dispositive Motions except those filed under Rule 12(b) due by 2/1/2018, with responses due by 2/15/2018 and replies due by 2/22/2018.

2. The Parties agree that additional time is needed to complete discovery, and propose extending all deadlines by one hundred eighty (180) days, with the trial date also continued approximately one hundred eighty (180) days.

**WHEREFORE**, the Parties respectfully request that the Court continue the Scheduling Order in this matter, and all dates contained therein, including the trial date, for a period of approximately one hundred eighty (180) days.

Respectfully Submitted,

BY COUNSEL OF RECORD

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<b>Defendants.</b>	)	

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 28th day of October 2017, a true copy of the foregoing “**Joint Motion to Continue Scheduling Order**” was electronically filed with the Clerk of the Court through the CM/ECF System which will serve electronic copies upon all counsel of record via the Court’s CM/ECF system.

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